

REMARKS

Claims 11-13, 15 and 108-114 have been amended. No new matter has been added. Claims 11-15 and 108-114 are pending. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

Claims 11-15 and 108-114 stand rejected under 35 U.S.C. § 102(e), as being anticipated by or, in the alternative, under 35 U.S.C § 103(a) as obvious over U.S. Patent 6,449,239 (Uno). The rejections are respectfully traversed.

Claim 11 has been amended to indicate “a first conductive material overlying a substrate [and] a chalcogenide material overlying the first conductive material.” Similarly, claim 12 has been amended to indicate “a first electrode overlying a substrate [and] a chalcogenide material overlying the first electrode.”

Instead, Uno discloses a recording (chalcogenide) layer overlying a substrate and a reflective (conductive/metal) layer overlying the recording (chalcogenide) layer. Col. 11, lines 31-32. Accordingly, Uno discloses neither an electrode nor a conductive material overlying a substrate. As a result, the claims as amended are not anticipated by Uno.

Furthermore, the subject matter of independent claims 11 and 12 would not be obvious to one of ordinary skill in the art in view of Uno. Claims 11 and 12 recite a barrier material on a silver/metal material overlying a chalcogenide material, which overlies a conductive/electrode material, which in turn overlies a substrate. According to the Office Action and FIG. 8, Uno also teaches these materials, but with the recording (chalcogenide) layer overlying the substrate, not the reflective (conductive) layer as in the claimed invention. Uno further teaches that the reflective (conductive) layer and the recording (chalcogenide) layer must be “laminated sequentially on the substrate;” the recording (chalcogenide) layer first on the substrate, followed by the reflective (conductive) layer. Col. 11, lines 31-32. See also, Abstract, col. 1, line 45; col. 7, line 6; col. 11, lines 35-36; col. 11, line 40.

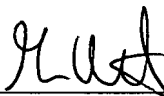
While Uno “is not limited to the [disclosed] structure,” alternative embodiments taught by Uno do not involve changing the order of the reflective and recording (chalcogenide) layers with respect to the substrate. Col. 7, lines 10-21. The order of the layering in Uno is essential to its function. The purpose of the reflective (conductive) layer is to obtain “a heat release effect and effective optical absorption in the recording layer.” Col. 1, lines 60-61. This purpose cannot be achieved unless the laser passes through the recording (chalcogenide) layer before the reflective (conductive) layer so as not to reflect the laser before it enters the recording (chalcogenide) layer. If the order of the layers in Uno was the same as the order of the materials in the claimed invention, the laser beam would pass through the substrate and reflect off the reflective (conductive) layer 207 without ever reaching the recording (chalcogenide) layer 204. Furthermore, the substrate must then be oriented between the laser and the recording (chalcogenide) layer because the substrate has “guide grooves for guiding a laser beam.” Col. 7, lines 24-25. As a result, modifying Uno as suggested by the examiner would fundamentally alter the function of Uno’s device. Therefore, it would not be obvious to one skilled in the art to make such a modification.

Claims 13-15, and 108-114 depend from claims 11 and 12. Accordingly, the rejections should be withdrawn and the claims allowed.

Applicant believes the application is in condition for allowance and respectfully requests that it be passed to issue.

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Respectfully submitted,

By  #41,198

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